Supreme Court, U.S.
FILED
08-813 DEC 12 2008
OFFICE OF THE CLERK

No. _____

In The

Supreme Court of the United States

LOUIS G. ANTONELLIS,

Petitioner,

v.

CUMBERLAND COUNTY SCHOOLS
BOARD OF EDUCATION,
DR. WILLIAM C. HARRISON (SUPERINTENDENT),
DONNA WEEKS (HUMAN RESOURCES)
JEFF JERNIGAN (PRINCIPAL)

Respondents,

On Petition for Writ of Certiorari
To The United States Court of Appeals
For the Fourth Circuit

PETITION FOR WRIT OF CERTIORARI

(s) LOUIS G. ANTONELLIS
(PRO SE)

1404 ALEXWOOD COURT
HOPE MILLS, NC 28348
(910) 424-8451

INTRODUCTORY STATEMENT

On August 14th, 2006, Petitioner was "Offered" & "Accepted" a Teaching position as a Criminal Justice Teacher and a Basketball & Baseball Coach by Principal Robert Barnes, South View High School, Hope Mills, NC 28348. When Petitioner was told to in-process, the personnel clerk entered petitioners social security number in the school computer system and after the personnel clerk contacted Human Resources, she was informed that their was a **"BLOCK"** on Petitioners employment even though Petitioner taught Criminal Justice four years in a row and his license was "Renewed" and "Approved" each year from 2002-2006.

QUESTIONS PRESENTED

1. Whether Judge(s) Niemeyer and King, Circuit Judge (s) and Judge Wilkins, Senior Circuit Judge US Court of Appeals for the Fourth Circuit, and Judge Howard US District Court for the Eastern District of North Carolina, when deciding Petitioners case can completely **"overlook"** the guidelines regarding the requirements for "**Retaliation**" under **Title VII of the Civil Rights Act**, (ADEA) Age Discrimination in Employment Act, (ADA) Americans with Disabilities Act, the "No Child Left Behind Act", and **Board of Regents of State Colleges v. Roth 408 U.S. 564 (1972)** which is overwhelmingly obvious in this case?

2. Why was Petitioner **"BLOCKED"** by **(Respondents-Weeks & Harrison)** on August 14th, 2006 from being hired after Petitioner was **"Offered" & "Accepted" a Teaching & Coaching** position by Principal Robert Barnes at South View High School even though Petitioners License had been Renewed & Approved four years in a row from 2002-2006 by the Cumberland County School Board and most recent as March, 2006?

3. Why was (Petitioner) advised to follow an Inappropriate Program Evaluation Plan from 2002-2004 which would not lead to "Licensure" or "Certification" as evident when (Petitioner) was required by Human Resources- Licensure office to take Geography & History classes even though (Petitioner) was Teaching Criminal Justice and those classes weren't going to lead to (Petitioners) Certification?

4. Why did (Respondent-Jernigan) require (Petitioner) to Coach from 2002-2004 when (Respondent-Jernigan) knew this was in strict violation of this policy and would cause (Petitioner) to delay his Teaching -Certification process?

5. Why did (Respondent-Jernigan) fail to conduct formal observations for (Petitioner) within the time constraints (Aug 2005-Jun 2006) without explanation or accountability and fail to appear for two Formal Observations?

6. Why did (Respondent-Jernigan) communicate to (Petitioner) that he was not renewing his contract for the next school year on April 21, 2006 without explanation, and in the same sentence state the reason I'm telling you this is because there is a Teacher Job Fair the very next day on April 22, 2006 and **Don't worry "Louis" I am going to give you a "Good" Recommendation"?**

7. Why did (Respondent-Jernigan) on May 22, 2006 inform (Respondent-Weeks) that he is not recommending (Petitioner) to teach any where in Cumberland County Schools?

8. Why did (Respondent-Jernigan) on June 13, 2006 sign (Petitioners) **Final Evaluation recommending "Continued employment and indicating Petitioner is "Above" or "At" Standard on all tasks?**

9. Why did (Respondent-Jernigan) retain a **Non-Certified 25 year- old female- Criminal Justice Teacher with No "Real World" Criminal Justice Experience** when (Petitioner) A 51 yr old male was **"Certified"** with over **"25" years of "Real World" Criminal Justice** experience and then hire another "**Non-Certified**" teacher to replace (Petitioner) two months after Petitioner receives his "New Teaching License and Certification by the State Board of Education of NC ,in complete violation of the **"No Child Left Behind Act" of 2001 (Public Law 107-110), (ADA) "Americans with Disabilities Act" and (ADEA) "Age Discrimination in Employment Act"**.

10. Why was (Respondent-Jernigan) allowed to make Discriminatory comments in a staff & faculty meeting on May 16th, 2006 about school employees (a "Hispanic" painting crew) in violation of the Immigration and Control Act of 1986 without being held accountable because the Superintendent and Board of Education are negligent in the performance of their duties, because they refuse to investigate without prejudice the complaint made by the Petitioner?

11. Why did (Respondent-Weeks) refuse to speak with (Petitioner) when asked about the status of his grievance complaint and then state there is **"NO DISCUSSION"** in violation of Petitioners 14th Amendment Rights and due-process.

12. Why is a falsified letter dated 22 May, 2006 which contains a false statement by (Respondent-Jernigan) missing from Petitioners Personnel File, yet this is the very letter that is suppose to be the cause of a **"BLOCK"** on Petitioners employment by (Respondents)?

13. Why are (Respondents) allowed to **"RETALIATE"** against a Certified / Licensed Non-tenured Teacher who engaged in a **"Protected Activity"** for filing a (Grievance Complaint- against (Respondent-Jernigan), a complaint reference Discriminatory comments by (Respondent-Jernigan) and later an EEOC complaint against (Respondents) which is in complete violation of "Title VII of the Civil Rights Act"., (ADA) "Americans with Disabilities Act", (ADEA) "Age Discrimination in Employment Act" and the "No Child Left Behind Act" , (Petitioner's) Due Process protections of the Fourteenth Amendment Rights to the United States Constitution "without any explanation" or a "Due Process" Hearing?

PARTIES TO THE PROCEEDING

All parties appear in the caption of the case on the cover page.

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"ORDER OF THE EASTERN DISTRICT OF NC
dated February 12th, 2008 App3

TABLE OF AUTHORITIES

CASES CITED:

Board of Regents of State Colleges v. Roth, 408 U.S. 564 (1972)

Brown v. Board of Education, 347 U.S. 483 (1954)

Hill v. Lockheed Martin Logistics Mgmt Inc 354 F.3d 277,298 (4th Cir.2004)

Ibarra v. United States, 120 F.3d 472 (4th Cir. 1997)

Plessy v. Ferguson, 16 U.S. 537 (1896)

STATUTES CITED:

Title VII of the Civil Rights Act of 1964

Immigration and Control Act of 1986

No Child Left Behind Act of 2001

GI Bill (Chapter 30)

VA Vocational Rehabilitation and Employment Services (Chapter 31)

Table of Authorities - Continued

NC Gen Stat. 115C-47(18A); 115C-301.1
Cumberland County Schools File: GBRE (Extracurricular and Non Instructional Duties)

NC Gen Stat. 115C-333
Cumberland County Schools File: GBI-R (Evaluation Procedures)

NC Gen Stat. 115C-317; 115C-288
Cumberland County Schools File: CN/CO (Administrative Records and Reports)

NC Gen Stat. 115C-325
Cumberland County Schools File: GAE (Complaints and Grievances)

PETITION FOR A WRIT OF CERTIORARI

The petitioner, Louis Gerard Antonellis, by and through self representation Pro Se, hereby respectfully petitions for a writ of certiorari to review the decision of 4th Circuit Court of Appeals in this case.

OPINIONS BELOW

The opinion of the Fourth Circuit Court of Appeals (App1 and App2) and the Eastern District Court of NC (App 3) are not reported.

JURISDICTION

The judgment of the Fourth Circuit Court of appeals was entered on Sep 17th, 2008.

STATUTORY PROVISIONS INVOLVED

Title VII of the Civil Rights Act allows the (Petitioner) to be free from "Retaliation" by Cumberland County Schools of NC and therefore (Petitioner) should be allowed to seek employment and Teach at any School and apply for any position for which (Petitioner) is Licensed and Certified without Discrimination or Retaliation from any Staff and faculty member of Cumberland County Schools of NC.

STATEMENT

Petitioner is a resident of Cumberland County, North Carolina. He is a fifty-one year-old, 30% disabled veteran with a Service-connected disability, who served "Honorably" in the U.S. Army Military Police for twenty years. He has worked for the NC Department of Corrections for seven years as a Correctional Officer, Case Manager and now as a Probation and Parole Officer. He was a High School Criminal Justice Teacher from August 2002-2006. Petitioner is a product of the GI Bill and VA Vocational Rehabilitation program, and has a Bachelor of Science in Criminal Justice. In August 2002, the petitioner Louis G. Antonellis was hired for his first teaching job as a Criminal Justice teacher at Cape Fear High School in Cumberland County, NC. He was hired for a fixed term of one academic year. The notice of his faculty appointment specified on his license that his employment would begin in August 2002 and end in June 2003. The Petitioner was subsequently employed each consecutive year and after completing all the requirements for a "Clear" Teaching license in December 2005, was issued a Teaching License by the NC State Board of Education, Department of Public Instruction on February 16, 2006 with an effective date of July 1, 2005, an expiration date of June 30, 2010 an experience rating of Step 24. Petitioner completed his contract which expired on June 13th, 2006.

Petitioner was informed by (Respondent-Jernigan) that he would not be rehired at Cape Fear High School for the next academic year, to seek employment elsewhere and on June 13th 2006 was given his Final Evaluation recommending him for "Continued" employment and showing he was "Above" or "At" All Standards and was now free to compete for any other Teaching position in the County at any other High School for which Petitioner was qualified. Respondents gave no reason for the decision and no opportunity to challenge the decision in any sort of hearing. Having taught for four years, Petitioner still had one more year to tenure. On August 14, 2006 Petitioner was **"Offered" and "Accepted" a "NEW"** teaching position as a Criminal Justice Teacher and Coach at South View High School by Principal Robert Barnes, but was **"BLOCKED"** by respondents without explanation or a **"Due process Hearing".**

REASONS FOR GRANTING THE PETITION

An employer may not fire, demote, harass or otherwise "Retaliate" against an individual for filing a charge of discrimination, participating in a discrimination proceeding or otherwise opposing discrimination. There are three main terms that are used to describe retaliation. Retaliation occurs when an employer, employment agency, or labor organization takes an **Adverse action** against a covered individual because he or she engaged in a protected activity.

A. An **adverse action** is an action taken to try to keep someone from opposing a discriminatory practice, or from participating in an employment discrimination proceeding.....

B. **Covered *Individuals*** *are* people who have opposed unlawful practices in proceedings relating to employment discrimination

C. **Protected Activity**

Complaining to anyone about alleged discrimination against oneself or others; Employment actions such as termination, refusal to hire, and denial of promotion

- Other actions affecting employment such as threats, unjustified negative evaluations, unjustified negative references
- Any other action that are likely to deter reasonable people from pursuing their rights

- It is unlawful for a worker's former employer to retaliate against him for pursuing an EEO charge
- **Participation in an employment discrimination proceeding**

  Participation means taking part in an employment discrimination proceeding. Participation is protected activity by filing a charge of employment discrimination; or Cooperating with an internal investigation of alleged discriminatory practices;

ARGUMENT

(Respondents') took an Adverse action by blocking the (Petitioner) who was in a class of protected Activity from being hired because (Petitioner) filed a grievance complaint on May 5th, 2006 and later a Complaint about Discriminatory comments about a (Hispanic paint crew) made by (Respondent-Jernigan) in a staff & faculty meeting on May 16th, 2006.

"Brown v. Board "347 U.S. 483 (1954) "Where a state has undertaken to provide an opportunity for an education in its public schools, such an opportunity is a right which must be available to all on equal terms, and "Plessy v. Ferguson" 16 U.S. 537 (1896) "Separate but equal" doctrine has no place in the field of public education. When a Federal District court is confronted with a motion to dismiss for failure to state a claim they should view the allegations of the complaint most favorable to the Plaintiff, **"Ibarra v. United States" 120 F. 3d 472 (4th Cir 1997).** Petitioner has clearly shown he engaged in a "Protected Activity" under the statute, that the employer (Cumberland County Schools of NC) took an adverse employment action against him and that a casual connection existed between the protected activity and the adverse action **"Hill v. Lockheed Martin Logistics Mgmt.," Inc 354 F 3d 277,298 (4th Cir.2004)**

Just like in "**Board of Regents of State Colleges v. Roth "408 U.S. 564 (1972),** respondent hired for a fixed term of one academic year to teach at a state university was informed without explanation that he would not be rehired for the ensuring year. Respondent brought this action claiming deprivation of his fourteenth amendment rights. (Petitioner) has shown that the non-renewal and the so called "Block" on his employment deprived him of an interest in "liberty" and a "property" interest in continued employment, despite the lack of tenure or a formal contract. The term's of respondent's employment accorded him no "property" interest protected by procedural due process and the U.S. Supreme Court erred in granting summary judgment for the respondent on the procedural due process law. (Petitioner) was deprived of an interest in "liberty" and a "property" interest in continued employment with Cumberland County Schools especially after having been offered another Teaching position for one academic year at another High School on August 14th, 2006, despite the lack of (1) more year to tenure or a formal contract after (Petitioner) had taught four years in a row without any disciplinary actions and met all the requirements for "Certification" and a "Clear" Teaching license.

The terms of (Petitioners) employment accorded him no "property" interest protected by procedural due-process and the U.S. Supreme Court. Consistent with state-law, the local Board of Education must be informed of the specific substantive reason for the non-renewal of a probationary teacher contract. Likewise the principal must put in writing and present the reasons for recommendation for non-renewal and documentation, showing the efforts to help the teacher improve prior to recommending non-renewal. Adhering to present procedure the principal should discuss the performance of a teacher in advance of the recommendation for non-renewal although (Respondent-Jernigan) would have a hard time justifying non-renewal when all of Petitioner's evaluations were "Above" or "At" Standard. and (Petitioner) was recommended for continued employment. None of these steps were taken by (Respondent-Jernigan) and this policy was miserably flawed.

A. (Respondent-Jernigan) "failed" to inform (Petitioner that he was not required to take part in Extracurricular activities Coach Basketball until he was a "Certified" teacher and "failed" to request (Petitioner) submit in writing a waiver to Coach Basketball from 2002-2004.

ARGUMENT: (Petitioner) was unable to expedite his licensure certification during his first two years of Teaching due to assigned Coaching duties (Basketball).

B. (Respondent-Weeks) required (Petitioner) to follow a licensure plan that would not lead to Licensure in Specialized Vocational Education between August 2002 and June 2004.

ARGUMENT: Example of this Program Evaluation Plan being inappropriate for (Petitioner's)) subject matter area of expertise was the fact that (Petitioner) was being required to take History and Geography classes when (Petitioner) was teaching Criminal Justice Levels 1 & 2.

C. (Petitioner) is informed in July 2004 by Cumberland County Schools Licensure office that he was slotted incorrectly and following an inadequate Plan, that a New program Evaluation Plan would be completed and that (Petitioner) would receive a Pay Step increase for his (25) years of Criminal Justice experience.

ARGUMENT: (Respondent) was forced to waste two years towards achieving his "Clear" Teaching License due to mistakes made in Human Resources in slotting Plaintiff correctly and designing a proper legitimate Program Evaluation Plan.

D. (Respondent-Jernigan) failed to conduct Formal Evaluations within the allotted time frame.

ARGUMENT: (Respondent-Jernigan) between Aug 2005 and April 2006 failed to conduct 1st Evaluation of (Petitioner) within the allotted time, and then 142 days lapse between Evaluation#1 and Evaluation#2. (Respondent-Jernigan) then unjustifiably conducts Evaluation#3 only seven days after Evaluation#2. (Respondent-Jernigan's) comments in a post evaluation briefing on April 21, 2006 are combative, unjustifiable, and inconsistent with actual ratings of performance standards. At no time prior to Apr 21, 2006 does (Respondent-Jernigan) discuss his intentions to not renew Plaintiff's contract for next school year.

E. (Respondent-Jernigan) makes Discriminatory comments in a Staff & Faculty meeting on 5-16-2006 about a (Hispanic) Paint work Crew.

ARGUMENT: (Respondent-Jernigan) as a Principal for a Public High School is supposed to Lead by Example. On August 14th, 2006 (Respondent-Jernigan) denies his involvement, defames (Petitioners) character by calling him a "Liar" and then stating he could get "100" teachers to write statements on his behalf when (Petitioner) points out there was only "10" in the meeting.

F. (Respondent-Harrison) is negligent in the performance of his duties as Superintendent.

ARGUMENT: By not investigating (Petitioner's) complaints against (Respondent's -Jernigan and Weeks) and allowing them to violate Federal and State Laws without accountability. (Respondents) uses a different set of standards for employment of (Petitioner) then those similarly qualified teachers after a Teaching position was offered and accepted on August 14th, 2006. Other teachers in Cumberland county who(s) expiring contracts were not renewed by their assigned school were allowed to compete for and accept Teaching positions without having to go through the scrutiny by Human Resources and without there employment being blocked or retaliated against. Other Criminal justice Teachers Non-Certified in Cumberland County were allowed to continue teaching while Certifications were ignored. Several Board of Education members were contacted by mail and phone and refused to investigate further or inform (Petitioner) the process to take action or start an inquiry into the retaliation against (petitioner), adverse actions taking place by (Respondents-Harrison, Weeks, and Jernigan) and ensuring (Petitoner) would not be hired by their organization although the Board of Education approved (Petitoner's) License four years in a row.

CONCLUSION

Petitioner(s) character has been defamed by Respondent(s) (Harrison, Weeks, & Jernigan). Respondent(s) took an Adverse Action by Retaliating against (Petitioner, a covered individual engaged in a protected activity, without justification. The Negligence of (Respondent-Harrison) and the Board of Education to take action and investigate without prejudice or preferential treatment has violated (Petitioner(s) Civil Rights on several occasions. When (Petitioner) attempted to speak with (Respondent(s) Weeks, Harrison & the Board of Education (Petitioner) was met with rudeness, turned away, informed the issue was not up for discussion and refusal by any of the (Respondent(s) to speak with (Petitioner). So if (Respondent(s) are allowed to deny (Petitioner) a right to compete equally for any teaching position for which (Petitioner) is Certified , Licensed and Highly Qualified then this court has also failed to enforce Federal & State laws as they exist and are interpreted. (Petitioner) represents every Veteran that was ever eligible for the GI Bill and used the Educational benefit to become a productive member of society after sacrificing his own freedom for the "Freedom" of this country. (Petitioner) also represents every Disabled Veteran that was eligible for further educational assistance due to a service connected disability and likewise the time spent becoming a "Certified" / "Licensed" Teacher would just be a waste of time and all for not. (Petitioner) has spent (20) twenty years traveling the world while serving his country "Honorably". (Petitioner) spent (3) three years attending a local University to acquire his B.S. in Criminal Justice.

(Petitioner) spent (1) one year attending the NC Teach program and (3) three years taking classes in Specialized Vocational Educational in order to meet "Certification" & "Licensing" requirements. A total of (27) twenty-seven years has been invested in (Petitioner's) Career and Training. (Respondent-Jernigan) ended (Petitioner(s) career in (10) ten minutes, without explanation or a due process hearing. Certainly after (27) twenty-seven years of Training and experience would warrant more than a comment from "Respondent(s) that the issue is not up for discussion. Is (Petitioner) banned from Teaching in Cumberland County Schools forever, and if so why? This is the biggest "Smoke Screen" in an Educational environment in "Legal History". Not only has the (Respondent(s) denied (Petitioner) a legal right to voice his opinion and question the very policies they have violated, this court at no time has allowed (Petitioner) an opportunity to present his case in a court of law. (Petitioner) is prepared to provide a statement, give oral testimony and participate in a legal proceeding which (Petitioner) feels confident he would "overwhelmingly" convince this court that (Respondent(s) have violated Federal & State Law(s).

(Petitioner) has no complete or adequate remedy at law. WHEREFORE, (Petitioner) prays this court issue an Order reinstating (Petitioner) in his employment with the (Respondent(s) based on acceptance of Teaching offer on August 14th, 2006 and award the (Petitioner) back pay, prejudgment interest, fringe benefits, and other compensation to the (Petitioner) and award the (Petitioner) the costs of this action, including reasonable attorney fees, and other relief this Court may deem just, proper, and equitable.

- Immediate Reinstatement to Teaching Position at South View High School which was offered and accepted by (Petitioner) on August 14th, 2006.
- Monetary relief in the amount of $813,807.26 as deemed amended by this Court on July 25th, 2007.
- Removal of Falsification Letter Dated May 22d, 2006 from CCS Personnel File at Human Resources.
- Right to compete ("EQUALLY") for any Criminal Justice Teaching position for which (Petitioner) is qualified without further Discrimination or Defamation of character by Cumberland County Schools, Staff & Faculty.

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1278
(5:07 –cv-00188-H)

LOUIS G. ANTONELLIS,

Plaintiff – Appellant

v.

CUMBERLAND COUNTY BOARD OF EDUCATION; WILLIAM C. HARRISON; JEFF JERNIGAN; DONNA WEEKS,

Defendants –Appellees

ORDER
FILED: Sep 6, 2008

The Court strictly enforces the time limits for filing petitions for rehearing and petitions for rehearing en banc in accordance with local rule (40)c. The petition in this case is denied as untimely.

For the Court – By Direction

/s/Patricia S. Connor, Clerk

App 2.

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1278
(5:07-cv-00188-H)

LOUIS G. ANTONELLIS,

Plaintiff – Appellant

v.

CUMBERLAND COUNTY BOARD OF EDUCATION; WILLIAM C. HARRISON; JEFF JERNIGAN; DONNA WEEKS

Defendants – Appellees

JUDGMENT
FILED" Sep 17, 2008

In accordance with the decision of this Court, the judgment of the District Court is affirmed.

This judgment shall take effect upon issuance of this Court's mandate in with Fed. R. p.41.

/s/ PATRICIA S. CONNOR, CLERK

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:07 – CV-188-H

LOUIS G. ANTONELLIS

Plaintiff

CUMBERLAND COUNTY SCHOOLS
BOARD OF EDUCATION, WILLIAM C. HARRISON;
JEFF JERNIGAN; DONNA WEEKS

Defendants

ORDER
FILED: Feb 12, 2008

This matter is before the court on defendants' motion to dismiss. Plaintiff has responded, and defendants have replied. This matter is ripe for adjudication.

STATEMENT OF THE CASE

On April 24, 2007, plaintiff, proceeding pro se, commenced this action in the General Court of Justice, Superior Court Division for Cumberland County, North Carolina, under the caption LOUIS G. ANTONELLIS V. THE CUMBERLAND COUNTY BOARD OF EDUCATION, DR. WILLIAM C. HARRISON (Superintendent), DONNA WEEKS (Asst. Superintendent) and JEFF JERNIGAN (Principal), Civil Action No. 07-CVS-3486.

Defendants removed the matter to this court. Plaintiff filed a motion to remand, which was denied by order filed July 9, 2007. Defendants subsequently filed the motion to dismiss now before the court, arguing that plaintifff's claim should be dismissed pursuant to Rule 12 (b) (6) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief may be pursuant to the following federal statutes: Title VII of the Civil Rights Act ("Title VII"), the Americans with Disabilities Act (ADA) and the Age Discrimination in Employment Act ("ADEA"), see 42 U.S.C. & 2000e, et seg , and 29 U.S.C. & 621, et seg.

COURT'S DISCUSSION

I. Standard of Review

A federal district court confronted with a motion to dismiss for failure to state a claim should view the allegations of the complaint in the light most favorable to the plaintiff. See Ibarra v. United States , 120 F.3d 472, 474 (4th Cir.1997). The intent of Rule 12 (b) (6) is to test the sufficiency of a complaint; "importantly, (a Rule 12 (b) (6) motion) does not resolve contests surrounding the facts, the merits of a claim, or the applicability of defenses. After accepting all well-pleaded allegations in the plaintiff's complaint as true and drawing all reasonable factual inferences from those facts in the plaintiff's favor, motions to dismiss are granted only where the plaintiff can prove no set of facts which would entitle him to relief. See Mylan Lab. Inc. v. Matkari, 7 F 3d 1130 (4th Cir.1993).

II. Analysis

A. Discrimination Claims

Although unclear, plaintiff's complaint appears to raise claims for discrimination under Title VII, the ADA and the ADEA.

For the foregoing reasons, defendant's motion to dismiss is GRANTED.

/s/MALCOLM J. HOWARD
SENIOR UNITED STATES DISTRICT JUDGE

CERTIFICATE OF COMPLIANCE

No. _____

LOUIS G. ANTONELLIS

Petitioner

v.

CUMBERLAND COUNTY SCHOOLS
BOARD OF EDUCATION
DR. WILLIAM C. HARRISON (SUPERINTENDENT)
DONNA WEEKS -HUMAN RESOURCES)
And JEFF JERNIGAN (PRINCIPAL)

Respondents

As required by Supreme Court Rule 33.1(h), I certify that the petition for a writ of certiorari contains 3971 words, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1 (d).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 12-11-, 2008

Louis G. Antonellis

(s) LOUIS G. ANTONELLIS
PRO SE